

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 79076

Danielle A. Alchin

2121 Oak Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 20, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, 13-7-312, 13-7-401, failure to remove trash, junk and debris, failure to cut grass; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1D, failure to eliminate open dump on residential property zoned DR 5.5 known as 2121 Oak Road, 21219.

On June 28, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Adam Whitlock issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 7, 2010 for removal of untagged/inoperative motor vehicles, remove trash and debris, cut and remove tall grass and weeds. This Citation was issued on June 28, 2010.

B. Photographs in the file show junk, trash and debris piled on this residential property, including old tires, white PVC piping, and discarded household items. Large black plastic bags containing unknown debris are piled next to one of the doors. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Review of the file shows that a Citation for similar violations was enforced in 2009. Respondent inherited the property from her parents with a significant quantity of junk and debris throughout the yard. It appears that most of the property has been cleaned up, but the current photographs show that code violations remain. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violations are corrected within the time provided below. If the violations are not corrected, the County will be authorized to enter the property to remove all junk, trash and debris.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by August 11, 2010, with all junk, trash and debris removed from the property.

IT IS FURTHER ORDERED that after August 11, 2010, the County may enter the property for the purpose of removing all junk, trash and debris, at the expense of the property owner.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 22nd day of July 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf